

OPINION
49-69

April 9, 1949 (OPINION)

GAME AND FISH

RE: Definition of "Take"

Re: Section 20-0709 1947 Supplement

Your letter of April 7, re the above, has come to my desk.

It is my opinion that the word "take" referring to the taking of game as used in the above section, means to have the animal dead and in manual possession. To have an animal caught in a trap is not, in my opinion, the taking of the animal. It must have been killed while in the trap or snare, or cornered in some way. In my opinion, the intent of this law is to prohibit the killing of the animal by shooting, even though it is caught in a trap.

WALLACE E. WARNER

Attorney General